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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,103	08/30/2006	Jacobus Eldert Maria Van Baar	155.12-0001	6208
27367 7590 01/10/2008 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			EXAMINER BARRY, CHESTER T	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/591,103

Applicant(s)

VAN BAAR, JACOBUS ELDERT  
MARIA

Examiner

Chester T. Barry

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/30/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Claims 1, 6, 12, 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by any one of DE 24 00 602, DE 26 29 301, Patent Abstracts of Japan vol. 017, no. 282 related to JP 05 009972 A, DE 35 20 359, EP 0 719 732, FR 2 794 482, Patent Abstracts of Japan vol. 2000, no. 25 related to JP 2001 219183 A, and CH611368A5. For example, DE 24 00 602 A1 discloses in figure 1 and the corresponding parts of the description a sewage system for draining waste water from a number of users to at least one discharge point. The sewage system comprises a pipe system 2 and pits 22 incorporated therein, whereby means ("Injektorrohr" 16) for periodically (cf. "Ausföhrungsbeispiel: pump 5 is energized for 2 minutes and 50 seconds; during pumping, oxygen is added to the waste water) introducing oxygen into the waste water are provided at a number of locations in the sewage system (cf. page 8, last two lines). D1 also discloses a method of operating such a sewage system for draining waste water whereby oxygen is artificially and periodically added to the waste water (cf. "Ausföhrungsbeispiel").

Claims 2 - 5 and 7 - 11 are rejected under 35 USC Sec 103(a) as obvious over any one of the references cited in the Sec 102(b) rejection above. The subject matter of these dependent claims is only a minor modification of the subject matter of claims 1 or 6. A person skilled in the art would employ them, if required, on the basis of his expert knowledge even if they are not explicitly disclosed in or directly rendered obvious by the cited state of the art.

**CHESTERT. BARRY**  
**PRIMARY EXAMINER**  
571-272-1152

